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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,794	08/18/2003	William Tze-You Chen	9725-US-PA	1793

31561 7590 12/18/2003

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

WILLIAMS, ALEXANDER O

ART UNIT	PAPER NUMBER
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2826

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/604,794	Applicant(s) CHEN ET AL	
	Examiner Alexander O Williams	Art Unit 2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: ____ |

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Serial Number: 10/604794 Attorney's Docket #: 9725-US-PA
Filing Date: 8/18/2003; claimed foreign priority to 9/10/2002

Applicant: Chen et al.

Examiner: Alexander Williams

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Initially, and with respect to claims 5 to 7, 12 to 14, 19, 24 and 25, note that a "product by process" claim is directed to the product per se, no matter how actually made, In re Hira, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ

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685; In re Luck, 177 USPQ 523; In re Wertheim, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); In re Fitzgerald, 205 USPQ 594, 596 (CCPA); In re Marosi et al., 218 USPQ 289 (CAFC); and most recently, In re Thorpe et al., 227 USPQ 964 (CAFC, 1985) all of which make it clear that it is the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that, as here, an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that Applicant has burden of proof in such cases as the above case law makes clear.

As to claims 1, 3, 4, 8, 10, 11, 22 and 23, note that the specification contains no disclosure of either the critical nature of the claimed dimensions or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the Applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Claims 1 to 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Prior Art (figure 1) in view of Bojkov et al. (U.S. Patent Application Publication # 2003/0116845 A1).

In claim 1 and similar flip chip structure claim 8, Applicant's Prior Art (figure 1) show an under-ball-metallurgy layer **142**, comprising: an adhesion layer **120**; a barrier layer **130** over the adhesion layer, wherein the barrier layer is fabricated using a nickel-vanadium alloy; and a wettable layer **140** over the barrier layer, but fail to explicitly show the wettable layer is fabricated using copper and has a thickness between about 3 to about 8 micron.

Bojkov et al. is cited for showing a waferlevel bump on copper pads. Specifically, Bojkov et al. (figures 1 to 5) specifically figure 5 discloses the wettable layer is fabricated using copper and has a thickness between about 3 to about 8 micron for the purpose of providing high speed and high density.

2. The under-ball-metallurgy layer of claim 1, either reference show wherein material constituting the adhesion layer is selected from a group consisting of titanium, titanium-tungsten alloy, aluminum and chromium.

9. The flip-chip structure of claim 8, either reference show wherein material constituting the adhesion layer is selected from a group consisting of titanium, titanium-tungsten alloy, aluminum and chromium.

15. The flip-chip structure of claim 8, either reference show wherein material constituting the passivation layer includes an inorganic compound.
16. The flip-chip structure of claim 8, either reference show wherein material constituting the passivation layer includes high molecular weight polymer.
17. The flip-chip structure of claim 8, either reference show wherein material constituting the bump includes a lead-tin alloy.
18. The flip-chip structure of claim 8, either reference show wherein material constituting the bump includes a lead-free alloy.
19. The flip-chip structure of claim 18, either reference show wherein material constituting the bump is selected from a group of metals consisting of tin, gold, silver, copper, bismuth, antimony, indium, zinc or various combinations of the metals.
20. Applicant's Prior Art (figure 1) show an under-ball-metallurgy layer **142**, at least comprising: an adhesion layer **120**; a barrier layer **130** over the adhesion layer; and a wettable layer **140** over the barrier layer, but fail to explicitly show wherein the wettable layer is fabricated using copper and has a thickness between about 3 to about 8pm.
21. The under-ball-metallurgy layer of claim 20, either reference show wherein material constituting the adhesion layer is selected from a group consisting of titanium, titanium-tungsten alloy, aluminum and chromium.

Therefore, it would have been obvious to one of ordinary skill in the art to use Bajkov et al.'s thick wettable layer to modify Applicant's Prior Art figure 1's wettable layer for the purpose of providing high speed and high density.

As to the grounds of rejection under section 103, see MPEP § 2113.

The references are cited as of interest to this application, but not applied at this time.

Field of Search	Date
U.S. Class and subclass: 257/738,737,777,762-768,779,778,784,786	12/12/03
Other Documentation: foreign patents and literature in 257/738,737,777,762- 768,779,778,784,786	12/12/03

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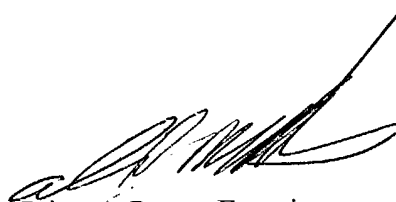
Electronic data base(s): U.S. Patents EAST	12/12/03
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Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. Papers should be faxed to Technology Center 2800 via the Technology Center 2800 Fax center located in Crystal Plaza 4-5B15. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center 2800 Fax Center number is (703) 308-7722 or 24. Only Papers related to Technology Center 2800 APPLICATIONS SHOULD BE FAXED to the GROUP 2800 FAX CENTER.

Any inquiry concerning this communication or any earlier communication from the examiner should be directed to ***Examiner Alexander Williams*** whose telephone number is **(703) 308-4863**.

Any inquiry of a general nature or relating to the status of this application should be directed to the ***Technology Center 2800 receptionist*** whose telephone number is **(703) 308-0956**.

12/13/03



Primary Patent Examiner
Alexander O. Williams